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(admission pending)

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Attorneys for Plaintiffs, JILLIAN BENEDICT and WISHES AND WONDERS TRAVEL AGENCY LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JILLIAN BENEDICT, an individual,
WISHES AND WONDERS TRAVEL
AGENCY LLC, a Michigan limited
liability company

Plaintiff.

v.

PINK LADY INVESTIGATIONS, INC.,
a California corporation; LISA
PHILLIPS, an individual; MELISSA
“MILLIE” VITALI, an individual; and
DOES 1-100, Inclusive.

Defendants.

Case No.

COMPLAINT FOR:

- (1) NEGLIGENCE;**
- (2) NEGLIGENT HIRING OF EMPLOYEE;**
- (3) NEGLIGENT SUPERVISION OF EMPLOYEE;**
- (4) VICARIOUS LIABILITY;**
- (5) INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS.**

DEMAND FOR JURY TRIAL

Plaintiffs JILLIAN BENEDICT and WISHES AND WONDERS TRAVEL AGENCY LLC (“Wishes and Wonders Travel Agency”) (collectively, the “Plaintiffs”), by and through their attorneys, hereby allege as follows against Defendants PINK LADY INVESTIGATIONS, INC. (“Pink Lady”), LISA PHILLIPS, and MELISSA “MILLIE” VITALI (collectively, the “Defendants”):

PARTIES

1. Plaintiff, JILLIAN BENEDICT, was and is at all times herein, an individual residing in the State of Florida and is the owner and Manager of Wishes and Wonders

1 Travel Agency LLC.

2 2. Plaintiff WISHES AND WONDERS TRAVEL AGENCY LLC (“Wishes
3 and Wonders Travel Agency”) is, and was at all times herein, a limited liability company
4 duly organized and existing under the laws of Michigan and registered to do business in the
5 State of California, with its principal place of business located at 49421 Monarch Drive
6 Macomb, Michigan 48044.

7 3. Defendant PINK LADY INVESTIGATIONS LLC (“Pink Lady”) is, and was
8 at all times herein, a limited liability company duly organized and existing under the laws
9 of California and doing business in California, with its principal place of business located
10 at 6040 Telesco Way, Carmichael, California 95608. Pink Lady holds License No. 188451
11 from the California Association of Licensed Investigators.

12 4. Defendant LISA PHILLIPS is, and was at all times herein, an individual
13 residing in the State of California and is the owner and Manager of Pink Lady.

14 5. Defendant MELISSA “MILLIE” VITALI, is, and was at all times herein, an
15 individual residing in the State of California and is and/or was an employee or agent of
16 Pink Lady.

17 6. Plaintiffs are unaware of the true names and capacities of DOES 1 through
18 100, inclusive, and accordingly, sue said defendants by such fictitious names. When the
19 true names and capacities of such fictitiously named defendants are ascertained, Plaintiffs
20 will amend this Complaint to allege the same.

21 7. Plaintiffs are informed and believe, and thereon allege, that each of said
22 Defendants, Pink Lady, Lisa Phillips, and Melissa “Millie” Vitali (collectively, the
23 “Defendants”) were acting as agents, servants, employees, partners and/or principals of
24 each other and, in committing the acts and omissions alleged hereinafter, were acting
25 within the course and scope of their duty and authority with the permission, knowledge,
26 consent, and ratification of each of the remaining Defendants.

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JURISDICTION AND VENUE

8. This Court has original jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. § 1332(a) because (1) there is complete diversity of citizenship between Plaintiffs, and the Defendants; and (2) the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

9. Plaintiff Jillian Benedict is, and at all relevant times, has been a resident and citizen of Florida.

10. Plaintiff Wishes and Wonders Travel Agency LLC, at all relevant times, has been a foreign limited liability company organized under the laws of Michigan, and has its principal place of business in Winter Garden, Florida. Its owner, Plaintiff Jillian Benedict, is a citizen of Florida. For purposes of 28 U.S.C. § 1332, a limited liability company is a citizen of every state of which its owners/members are citizens. (*Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).) Thus, Plaintiff Wishes and Wonders Travel Agency is a citizen of the State of Florida.

11. Defendant Pink Lady, at all relevant times, has been a limited liability company organized under the laws of the State of California. Its owner, Plaintiff Lisa Phillips, is a citizen of California. Thus, for purposes of 28 U.S.C. § 1332, Defendant Pink Lady is a citizen of the State of California.

12. Defendant Lisa Phillips, at all relevant times, has been a resident and citizen of California.

13. Defendant Melissa "Millie" Vitali, at all relevant times, has been a resident and citizen of the State of California.

14. Venue is proper in the United States District Court for the Eastern District of California pursuant to 28 U.S.C. § 1391, as Defendants are subject to personal jurisdiction here, and regularly conduct business in this District. Further, a substantial part of the events or omissions giving rise to underlying claims occurred in this judicial district.

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1 **FACTUAL BACKGROUND AND GENERAL ALLEGATIONS**

2 **A. Pink Lady Services**

3 15. Pink Lady provides private investigative services “that are licensed and
4 regulated by the Department of Consumer Affairs, Bureau of Security and Investigative
5 Services.”¹

6 16. On or about December 2022, Ms. Benedict retained Pink Lady to conduct a
7 background investigation of Regina and Todd Amundson, her neighbors and clients of
8 Wishes and Wonders Travel Agency, after Ms. Amundson used Wishes and Wonders
9 Travel Agency’s services on multiple occasions to reserve extravagant Disney cruises, only
10 to cancel said reservations at the last minute. This practice resulted in a loss of time and
11 commission to both Wishes and Wonders Travel Agency and Ms. Benedict.

12 17. Ms. Benedict came upon the Pink Lady website, and used the “Contact Us”
13 submission form to inquire as to the cost of certain services. The Pink Lady website
14 advertises its services as “Confidential ~ Professional ~ Private.”² It further states: “[Pink
15 Lady] can assure you; we provide only the highest level of professionalism, the highest
16 level of ethics, and the most discreet care in each case.” Pink Lady offers services
17 including, “Background Checks”, “Investigate B4You Date,” and “Fraud and Asset
18 Searches.”

19 18. On December 13, 2022, Ms. Benedict ordered an employment and
20 background check and provided Ms. Philips with publicly available identifying information
21 for the Amundsons for purposes of the investigation, including their names, dates of birth
22 and address.

23 19. On December 20, 2022, the initial reports were sent from Pink Lady to Ms.
24 Benedict. On December 22, 2022, Pink Lady provided a courtesy, unsolicited, and free
25 additional search to Ms. Benedict, which included a Lien and Judgment Search and
26 Criminal Report.

27 ¹ <https://pinkladyinvestigations.com/>

28 ² Id.

1 20. On December 23, 2022, Ms. Phillips asked whether Ms. Benedict would
2 want her team to conduct additional searches, including an employment reference and
3 credit check. On information and belief, this “team” was comprised of only Ms. Phillips
4 and her employee and/or agent, Ms. Vitali.

5 21. At all times during the investigation, Ms. Phillips was aware of how
6 important discretion and confidentiality were to Ms. Benedict, and implied that the
7 additional searches would not alert Ms. Amundson of the investigation and was assured
8 “[Ms. Phillip’s] girls are sneaky and great at getting info.”

9 22. On December 27, 2022, Ms. Phillips contacted Ms. Benedict to provide
10 information concerning the additional investigation.

11 23. On or about January 3, 2023, Ms. Phillips informed Ms. Benedict her team
12 would be making calls the following day for additional employment verification.

13 24. On or about January 11, 2023, Ms. Phillips informed Ms. Benedict that the
14 research for the investigation had been completed.

15 25. At all times before and during the investigation, Ms. Benedict entrusted Pink
16 Lady with collecting the requested information and was under the belief that the
17 investigation could not be linked back to her and would be made in confidence. Ms.
18 Benedict relied on the various representations made by Ms. Phillips in her email exchanges
19 with Ms. Benedict, and on the representations made on the Pink Lady website and social
20 media pages.

21 26. On January 11, 2023, Ms. Phillips contacted Ms. Benedict to let her know the
22 second research, including the Credit Report findings had been completed.

23 **B. The Pink Ladies – Melissa “Millie Vitali”**

24 27. On information and belief, and according to the many TikTok videos posted
25 to Ms. Phillip’s account @therealpinkladylisa, Pink Lady employs and/or contracts with
26 various persons to serve as “Pink Ladies” and conduct investigative work under Ms.
27 Phillips’ California Private Investigator license.

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1 28. On October 24, 2022, Ms. Phillips, through the Pink Lady Facebook page, highlighted Ms. Vitali in a post titled “Meet My Pink Ladies.” (See ***Exhibit G.***)

2 29. On information and belief, the Pink Ladies are trained by Ms. Phillips, are provided assignments by Ms. Phillips, conduct their investigations under Ms. Phillips license, and report any findings to Ms. Phillips. On information and belief, Ms. Phillips trains her Pink Ladies to specifically understand the importance of confidentiality. (See ***Exhibit F***, Lisa Phillips February 6, 2023 email to Ms. Benedict).

3 30. On information and belief, Ms. Phillips assigned Ms. Vitali to work on the necessary research for Ms. Benedict including the background check, employment check, and credit inquiry. At no time during the investigation did Ms. Benedict have any interaction with Ms. Vitali.

4 31. On information and belief, to assist in the investigation, Ms. Phillips provided all email exchanges between her and Ms. Benedict to Ms. Vitali, which she had access to only by virtue of her employment with Pink Lady. Ms. Phillips represented that Ms. Vitali was Ms. Phillip’s “top assistant” and had been personally vetted by Ms. Phillips prior to her hiring at Pink Lady. (See ***Exhibit A***, Lisa Phillips’ January 15, 2023 email to Ms. Benedict). On information and belief, Ms. Phillips regularly assigned Ms. Vitali with surveillance and research contributions for ongoing investigations.

5 32. On information and belief, Ms. Vitali was an employee of Pink Lady at all times before, during, and after the investigation conducted on behalf of Ms. Benedict.

6 **C. Disclosure of Investigation to Ms. Amundson**

7 33. On January 14, 2023, three (3) days after the final investigation into the Amundsons was complete, and despite Pink Lady’s representations that its private investigations were discreet and confidential, Ms. Vitali, without Ms. Benedict’s consent, contacted Ms. Amundson via Facebook to inform her of the investigation. At that time, Ms. Vitali provided screenshots of the confidential email exchange between Ms. Benedict and Ms. Phillips. (See ***Exhibit B***, Ms. Vitali’s Facebook communications with Ms. Amundson).

1 34. Ms. Vitali plainly wrote to Ms. Amundson that “[she] work[s] for a Private
2 Investigator (who was hired by [Ms. Benedict] and while I did the research needed, it
3 didn’t feel right not to make you aware of the situation.” (Id.) As part of this exchange, Ms.
4 Vitali included her personal phone number so that Ms. Amundson was able to contact her
5 directly and provided Ms. Amundson with screenshots of the email exchanges between
6 Ms. Benedict and Ms. Phillips. (Id.)

7 35. On January 14, 2023, upon learning of the investigation, Ms. Amundson
8 messaged Ms. Benedict to confront her about the private investigation and provided Ms.
9 Benedict with the screenshots provided to her by Ms. Vitali. (See **Exhibit C.**)

10 36. On or about January 14, 2023, Ms. Amundson also turned to the public forum
11 and posted about her discovery of the private investigation on Facebook, attaching both
12 Ms. Vitali’s messages and Ms. Benedict’s emails to her post. (See **Exhibit D.**) In her
13 Facebook post, Ms. Amundson publicly identified Ms. Benedict and Wishes and Wonders
14 Travel Agency, and falsely accused Ms. Benedict of improperly using her personal and
15 private information provided for the purpose of booking travel for the investigation, and
16 wrongfully accused Ms. Benedict of being racist. (Id.)

17 37. Upon being confronted by Ms. Amundson, Ms. Benedict emailed Ms.
18 Phillips, informing her that someone within her organization had contacted Ms.
19 Amundson.

20 38. On January 15, 2023, Ms. Phillips responded and denied knowledge of Ms.
21 Vitali’s actions and offered Ms. Benedict a refund of the provided services.

22 39. As a result of the actions of Pink Lady, Ms. Phillips, and Ms. Vitali, Ms.
23 Benedict has been publicly humiliated and has been scorned by members of her
24 community, who have since labeled her a racist and threatened to “cancel” her.

25 40. Ms. Benedict now faces legal retaliation for using Pink Lady’s private
26 investigative services, as Ms. Amundson retained an attorney and threatened to take legal
27 action. (See **Exhibit E**, Cease and Desist Letter).

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41. Wishes and Wonders Travel Agency also faced with a direct threat of having its business license revoked, as Ms. Amundson filed a formal complaint with the Florida Department of Agriculture and Consumer Services, as a result of learning about the private investigation. The report now remains on Wishes and Wonders Travel Agency's record. (See *Exhibit F*, complaint filed by Ms. Amundson).

42. Additionally, Ms. Amundson made disparaging reports about both Ms. Benedict and Wishes and Wonders Travel Agency directly to Disney Cruise Lines, one of Wishes and Wonders Travel Agency's most valuable and important business relationships. Due to the nature of the complaint, Ms. Benedict was forced to disclose details of this extremely personal and embarrassing situation to Disney, which undoubtedly strained their confidence in Ms. Benedict and Wishes and Wonders Travel Agency.

43. Due to the actions of Pink Lady, Ms. Phillips, and Ms. Vitali, Wishes and Wonders Travel Agency has lost thousands of dollars in commissions due to cancelled reservations and has suffered irreparable harm to its relationship with Disney Cruise Lines.

FIRST CAUSE OF ACTION
NEGLIGENCE
(Against Pink Lady and Mille Vitali)

44. Plaintiffs reallege and incorporate by reference paragraphs 1 through 43, inclusive, as if the same were fully set herein.

45. Defendants have a legal duty to use due care and discretion in providing private investigation services when their customers entrust them with information of a sensitive nature, particularly since Pink Lady provided assurances that such care would be provided.

46. Defendants breached that duty by contacting the very subject of the private investigation for which Pink Lady was retained.

47. Defendants' breach was a direct and proximate cause of Plaintiffs' resulting harm.

48. Defendants' negligence was a substantial factor in causing Plaintiffs' harm.

49. As a result of Defendants' actions, Plaintiffs have suffered economic

1 damages, including but not limited to lost profits, loss to reputation, and emotional distress.

2 **SECOND CAUSE OF ACTION**

3 **NEGLIGENT HIRING OF AN EMPLOYEE
(AGAINST PINK LADY AND LISA PHILLIPS)**

4 50. Plaintiffs reallege and incorporate by reference paragraphs 1 through 49,
5 inclusive, as if the same were fully set herein.

6 51. Pink Lady and its owner, Ms. Phillips, hired Melissa "Millie" Vitali as a
7 "Pink Lady" to conduct investigations under Ms. Phillips' private investigator license.

8 52. Melissa "Millie" Vitali was unfit to perform the work for which she was
9 hired by Pink Lady to do, as she was unable to maintain the confidentiality of her
10 investigations.

11 53. Pink Lady and its owner, Ms. Phillips, knew or should have known that Ms.
12 Vitali was unfit and that this unfitness created a particular risk to others, including Ms.
13 Benedict.

14 54. Due to Ms. Vitali's unfitness to conduct confidential and private
15 investigations, Plaintiffs were harmed.

16 55. It was the negligence of Pink Lady and its owner, Ms. Phillips, in hiring Ms.
17 Vitali which was a substantial factor in causing harm to Plaintiffs.

18 **THIRD CAUSE OF ACTION**

19 **NEGLIGENT SUPERVISING OF AN EMPLOYEE
(AGAINST PINK LADY AND LISA PHILLIPS)**

21 56. Plaintiffs reallege and incorporate by reference paragraphs 1 through 55,
22 inclusive, as if the same were fully set herein.

23 57. Pink Lady and its owner, Ms. Phillips, hired Melissa "Millie" Vitali as a
24 "Pink Lady" to conduct investigations under Ms. Phillips private investigator license.

25 58. Melissa "Millie" Vitali was unfit to perform the work for which she was
26 hired by Pink Lady to do as she was unable to maintain confidentiality of her assigned
27 investigations.

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59. Pink Lady and its owner, Ms. Phillips, knew or should have known that Ms. Vitali was unfit and that this unfitness created a particular risk to others.

60. Pink Lady and its owner, Ms. Phillips acted in an unreasonable manner in failing to properly supervise Ms. Vitali and monitor her personal use of client information. A significant part of the private investigative services is maintaining discretion.

61. Due to Ms. Vitali's unfitness to conduct confidential and private investigations, Plaintiffs were harmed.

62. It was the negligence of Pink Lady and its owner, Ms. Phillips, in hiring Ms. Vitali which was a substantial factor in causing harm to Plaintiffs.

FOURTH CAUSE OF ACTION
VICARIOUS LIABILITY
(AGAINST PINK LADY AND LISA PHILLIPS)

63. Plaintiffs reallege and incorporate by reference paragraphs 1 through 62, inclusive, as if the same were fully set herein.

64. Pink Lady hired and/or contracted with Ms. Vitali to perform investigative services for its clients, and thus, created an employer-employee relationship between Pink Lady and Ms. Vitali.

65. As Pink Lady and its owner, Lisa Phillips were the controllers and employers of Ms. Vitali, Pink Lady and Ms. Phillips are liable and responsible for the actions taken by Ms. Vitali in the course and scope of her employment with Pink Lady.

66. Pink Lady retained control over the work of Ms. Vitali, insofar that it determined what instruction, direction, and client that Ms. Vitali would be assigned to, and as such, Pink Lady owed to Ms. Benedict a duty to exercise reasonable care.

67. In the course and scope of her employment with Pink Lady, Ms. Vitali committed acts of recklessness and negligence that directly and proximately caused injury to Ms. Benedict and Wishes and Wonders Travel Agency, resulting in their economic and non-economic damages. Pink Lady is liable for Ms. Vitali's actions and is reasonable for the damages suffered by Plaintiffs.

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FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against Pink Lady and Ms. Vitali)

68. Plaintiffs reallege and incorporate by reference paragraphs 1 through 67, inclusive, as if the same were fully set herein.

69. As described in the incorporated paragraphs, the actions of Pink Lady, Ms. Phillips, and Ms. Vitali are outrageous.

70. Pink Lady, Ms. Phillips, and Ms. Vitali, intended to cause Ms. Benedict emotional distress.

71. As a result of the actions described in the incorporated paragraphs, Ms. Benedict has suffered severe emotional distress.

72. The conduct and actions of Pink Lady, Ms. Phillips, and Ms. Vitali were a substantial factor in causing Ms. Benedict's severe emotional distress.

WHEREFORE, Plaintiffs pray for a judgment against the Defendants as follows:

1. For actual and compensatory damages in an amount of at least \$250,000 to be established at trial, plus interest;

2. Awarding equitable relief as the Court may deem just and proper;

3. For costs of suit incurred herein;

4. For reasonable attorneys' fees incurred herein pursuant to contract;

5. For other such and further relief as the Court may deem just and proper.

Dated: July 17, 2023

CLARK HILL LLP

By: _____

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Bradford G. Hughes
Michelle L. Bains (*admission
pending*)

Atorneys for Plaintiff JILLIAN BENEDICT and WISHES AND WONDERS TRAVEL AGENCY LLC